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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:

Case No. *2013-272*

12 **TSHUMDA LAMA**

**STATEMENT OF ISSUES**

13 **Applicant for Registered Nurse License**

14 Respondent.  
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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
20 her official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
21 Department of Consumer Affairs.

22 2. On or about December 5, 2011, Tshumda Lama (Respondent) submitted an  
23 application for licensure by examination to the Board. On or about November 22, 2011,  
24 Tshumda Lama certified under penalty of perjury to the truthfulness of all statements, answers,  
25 and representations in the application. The Board denied the application on May 14, 2012.

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8. The NCLEX-RN Examination Candidate Rules Checklist states the following:

*"Cell/mobile/smart phones, pagers or any electronic devices may not be accessed at all during your examination appointment (including breaks.)"*

9. The NCLEX-RN Candidate Bulletin lists as grounds for dismissal or cancellation of results the following:

*“Using any prohibited aids. Prohibited aids are any devices or materials that will be helpful in taking the NCLEX examination. Examples of aids that are prohibited are electronic devices (i.e. cell/mobile/smart phones, PDAs, hand held computers, etc.), hand held calculators, conversion tables, dictionaries, etc.”*

10. Before the commencement of an NCLEX-RN examination, each candidate must review the above rules and affix his/her digital signature, indicating that s/he agrees to the terms.

**MARCH 10, 2012 NCLEX-RN EXAMINATION**

11. On or about March 10, 2012, Respondent applied and took the NCLEX-RN examination at the Pearson Professional Center in San Jose, California. During the administration of the examination, Respondent was observed accessing her cell phone while on a break.

12. On or about March 15, 2012, NCSBN sent a letter to Respondent advising her that she had violated the examination rules, and its intention to cancel the results of her examination and to notify the Board.

13. On or about May 14, 2012, the Board denied Respondent's application.

14. On or about July 11, 2012, Respondent, through her legal counsel, appealed the Board's decision. Respondent admitted that she texted her husband while on break from the March 10, 2012 NCLEX-RN examination.

### CAUSE FOR DENIAL OF APPLICATION

**(Unprofessional Conduct)**

15. Respondent's application is subject to denial under Code section 480, subdivision (a)(3), in that she had committed acts if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license under Code section 2761,

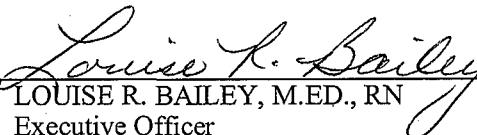
1 subdivision (a). Complainant refers to and incorporates all the allegations contained in paragraphs  
2 7 – 11 and 14, as though set forth fully.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Registered Nursing issue a decision:

- 6 1. Denying the application of Tshumda Lama for a Applicant for Registered Nurse  
7 License;  
8 2. Taking such other and further action as deemed necessary and proper.

9 DATED: October 11, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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